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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)

WILLIAM SCOTT CALDWELL)

Serial No: 09/973,411)

Filed: October 9, 2001)

Art Unit 1624

Examiner: Balasubramanian, V.

T103 1300.4

For: **COMPOUNDS CAPABLE OF ACTIVATING CHOLINERGIC RECEPTORS****TERMINAL DISCLAIMER UNDER 37 CFR §1.321**

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Targacept, Inc. is the owner by assignment of 100% of the right, title and interest in and to the above-referenced application for Letters Patent as well as U.S.S.N. 09/973,419. Targacept, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term as defined in 35 USC §§154-156 and 173, as presently shortened by any terminal disclaimer, of any U.S. patent issuing from U.S.S.N. 09/973,419. Targacept, Inc. hereby agrees that any patent granted on the instant application shall be enforceable only for and during such period that it and U.S.S.N. 09/973,419, and any U.S. patents issuing therefrom, are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making this disclaimer, Targacept, Inc. does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration of the full statutory term, as defined in 35 USC §§154, 156 and 173, of any patent issuing from U.S.S.N. 09/973,419, as presently shortened by any statutory disclaimer, in the event that any patent issuing from U.S.S.N. 09/973,419 might later: expire for failure to pay a maintenance fee, or be held unenforceable or be

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found invalid by a Court of competent jurisdiction, or be statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, or have all claims cancelled by reexamination certificate or reissued, or be in any manner terminated prior to the expiration of the full statutory term as presently shortened by any terminal disclaimer.

The Commissioner is hereby authorized to charge Deposit Account No. **09-0528** in the amount of **\$110.00** for the required terminal disclaimer fee under 37 CFR §1.20(d). The Commissioner is authorized to charge any fee deficiencies or credit any overpayment of fees to Deposit Account No. **09-0528**. This Terminal Disclaimer under 37 CFR §1.321 is submitted in duplicate.

The undersigned is an attorney of record in the present application.

Date: May 5, 2003



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